

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
MONDAY, OCTOBER 23, 2017
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204**

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Thomas Sproles, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

BOARD MEMBERS PRESENT: Thomas Sproles, Chairman
Christopher Cooke, Vice Chairman
Donald Alford
Theodore Mau
Roland Cutter
Tasha Smith, State Department of Health

BOARD MEMBER ABSENT: Frank Downing

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Jennifer Broadbent, Assistant Board Director
Donald Hannah, Deputy Attorney General

ADOPTION OF THE AGENDA

The agenda was adopted.

Cooke/Alford
6/0/0
Motion carried.

ADOPTION OF THE MINUTES OF THE AUGUST 3, 2017, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes of the August 3, 2017 meeting.

Cooke/Cutter
6/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Report was provided.

RESPONDENT'S PETITION FOR CORRECTION OF SEPTEMBER 27, 2017 FINAL ORDER AND PETITIONER'S RESPONSE

1. Thomas Oswalt, FD21000044. 2016 SBFCS 0025

A motion was made and seconded to agree with the Respondent and move forward.

Cutter/Alford
4/0/0
Motion carried.

ADMINISTRATIVE HEARING

1. Administrative Hearing for Reinstatement in the Matter of Thomas Oswalt, FD21000044. 2016 SBFCS 0025

A motion was made and seconded to reinstate license on indefinite probation. Motion was withdrawn to continue to discuss the matter.

Cutter/No second
4/0/0
Motion failed.

A motion was made and seconded to deny the request for reinstatement. It was further moved that Respondent may petition for reinstatement of his License upon providing evidence of the successful completion of his one hundred eighty (180) days of non-reporting criminal probation, issued by Randolph Superior Court under Cause No. 68D01-1611-F6-000768.

Cutter/Smith
4/0/0
Motion carried.

2. Administrative Hearing to Modify Probation in the matter of Heather Bressert, FD21500011, 2017SBFCS 0004

A motion was made and seconded to remove probation.

Cutter/Alford
4/0/0
Motion carried.

3. Administrative Appeal Hearing in the Matter of Leslie Knable, FD20600019, 2017SBFCS0013

A motion was made and seconded to vacate the Notice of Noncompliance and find her in compliance with the CE requirement for her 2016 renewal.

Alford/ Smith
4/0/0
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE

1. Randy Lankford

A motion was made and seconded to approve the application for license.

Cutter/Alford
4/0/0
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR LICENSE BY RECIPROCITY

1. Violeta De La Torre-Corona

A motion was made and seconded to approve the application and allow her to sit for the funeral director examination.

Alford/Cutter
4/0/0
Motion carried.

PERSONAL APPEARANCE FOR COMPLIANCE WITH THE DECISION ON LICENSE APPLICATION

1. Kenneth Hempstead, 2017SBFCS0010

Mr. Hempstead appeared before the board and provided an update on his recovery process as well as his professional experience since his license was issued.

PERSONAL APPEARANCE FOR CONSIDERATION OF APPLICATION FOR FUNERAL HOME LICENSE

1. Winklepleck & Brock Funeral Home LLC

Mr. Brock indicated he purchased the business rather than just the real estate and is aware that he is responsible for any shortcomings in the preneed fund belonging to the previous funeral home, Winklepleck Weesner Funeral Home, FH83000655. Mr. Brock indicated that if the consumer can provide proof of payment to the previous owner he will fulfil their contract. James Weesner has no affiliation with Winklepleck & Brock Funeral Home LLC.

A motion was made and seconded to approve the application for license.

Cutter/ Smith
4/0/0
Motion carried.

Mr. Brock later in the meeting indicated he did some research and indicated he would have to contact his attorney to see if he in fact purchased the business or just the real estate and equipment. He was asked to notify the board of the final answer so the board will know how to proceed with future verified complaints requesting restitution from the preneed consumer protection fund.

CONSIDERATION OF APPLICATION FOR FUNERAL BRANCH LICENSE

1. Indiana Memorial Cremation & Funeral Care

A motion was made and seconded to approve the application on probation to coincide with the current probationary requirements in the matter of 2017SBFCS0001.

Cutter/ Alford
4/0/0
Motion carried.

CONSIDERATION OF CONTINUING EDUCATION AUDIT FILE

1. Kimberly Hunt, FD20400019

A motion was made and seconded to suspend the license for failure to comply with the continuing education requirement and the Notice of Noncompliance.

Cutter/ Alford
4/0/0
Motion carried.

CONSIDERATION OF PAYMENT OF INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS 2018 MEMBERSHIP DUES FROM THE EDUCATION FUND; \$250.00

A motion was made and seconded to approve payment.

Cooke/Cutter

4/0/0
Motion carried.

CORRESPONDENCE FROM OLD NATIONAL BANK REGARDING WINKLEPLECK-WEESNER FUNERAL HOME, FH83000655, FUNERAL TRUST

The board may not provide legal advice.

REVIEW OF PRENEED CONSUMER PROTECTION FUND BALANCE

A motion was made and seconded that payment will not be due for contracts sold in the calendar year 2018.

Mau/Cooke
6/0/0
Motion carried.

REVIEW OF CONSUMER PROTECTION FUND FOR CEMETERY MAINTENANCE

A motion was made and seconded that payment will not be due for contracts sold in the calendar year 2018.

Mau/Cooke
6/0/0
Motion carried.

CORRESPONDENCE FROM ATLANTIC COAST LIFE INSURANCE

No action. The board is not required to approve their forms.

EMPLOYMENT NOTIFICATION FROM SAMUEL HALL, FD01001942, REGARDING POINDEXTER-MCCLURE FUNERAL HOME, FH11200034

The board reviewed the matter and would like Mr. Hall to provide explanation as to how he would be able to manage the funeral home given the considerable distance between his funeral home and Poindexter-McClure Funeral Home.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Jane Crockett

Re: Winklepleck-Weesner Funeral Home, FH83000655 (Expired)

A motion was made and seconded to deny the request because a loss has not yet occurred.

Mau/Cooke
6/0/0
Motion carried.

B. Sharon Bond for Jack Goforth

Re: Winklepleck-Weesner Funeral Home, FH83000655 (Expired)

A motion was made and seconded to approve the request in the amount of \$3140.00 plus interest not to exceed the amount of the at-need contract.

Cooke/Cutter
6/0/0
Motion carried.

C. Kaniewski Funeral Homes, Inc. for Thelma Jean Harmon

Re: Clark O'Neal Funeral Home, FH10400018 (Closed)

A motion was made and seconded to approve the request in the amount of \$11,321.00 plus interest not to exceed the amount of the at-need contract.

Mau/Cooke
6/0/0
Motion carried.

D. Gloria Stansberry for Christine Paige

Re: Clark O'Neal Funeral Home, FH10400018 (Closed)

A motion was made and seconded to approve the request in the amount of \$1,410.17 plus interest not to exceed the amount of the at-need contract.

Cooke/Cutter
6/0/0
Motion carried.

E. Lisa Danko for Marguerite Noll

Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve payment of 8474.12 total, which is the cost of the at-need contract.

Cooke/no second
6/0/0
Motion failed.

A motion was made and seconded to approve payment of 8474.12 total, which is the cost of the at-need contract.

Mau/Cooke
6/0/0
Motion carried.

F. D.O. McComb & Sons Funeral Home for Robert Stoller

Re: Northeast Indiana Cremation Society, CR30000006 (Closed)

A motion was made and seconded to deny due to lack of proof of payment

Cooke/Mau
6/0/0
Motion carried.

VERIFIED COMPLAINT REQUESTING CEMETERY MAINTENANCE ASSISTANCE

A. Jean Buckley

Re: Crown Hill Cemetery, Hobart

A motion was made and seconded to table the matter for investigation by Cook and Mau to report back to the board.

Cooke/Mau
4/0/0
Motion carried.

B. Rosalind Coleman and Esther Walker

Re: New Crown Cemetery, CM41300002

A motion was made and seconded to deny the request because this is a consumer matter rather than falling under the cemetery maintenance statute.

Mau/Cutter
4/0/0
Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to accept the report below.

Cutter/Alford
4/0/0
Motion carried.

COURSES FOR APPROVAL – No Indiana Law Courses

Akron Concrete Products, Inc., CE10800616

- Outer Burial Container Basics, Ongoing, 1 CEU
- Burial Vault Manufacturing Plant Tour, Ongoing, 1 CEU
- Better Communication with Families, Ongoing, 1 CEU
- Education for Cremation Families, Ongoing, 1 CEU

Batesville, CE10800652

- Customer Care, November 9, 2017, 2 CEUs

Cincinnati College of Mortuary Science, CE10800682

- History of Funeral Service Practice & Education, 11/17/17, 3 CEUs

The Dodge Institute for Advanced Mortuary Studies/The Dodge Company, CE10800694&CE10800649

- America's Mission (Update on previous application), 12/15/17, 1 CEU

Flanner Buchanan Funeral Centers, CE10800861

- Embalming – It's Important To Hone Your Skills, 10/11/17, 3 CEUs

Funeral Service Academy, CE21400012

- Communicable Disease and Funeral Professionals, Ongoing, 1 CEU
- OSHA Compliance Guidance for Funeral Homes – Part 1, Ongoing, 3 CEUs
- OSHA Compliance Guidance for Funeral Homes – Part 2, Ongoing, 3 CEUs

Indiana State Coroners Training Board, CE21200008

- 40-Hour Medicolegal Death Invest. Course, 9/6/17 – 9/10/17, 40 CEUs

International Order of the Golden Rule, CE10800865

- How to Drive Leads on Social Media, 11/9/17, 1 CEU
- Exchanging Information Online, 12/7/17, 1 CEU

Madison County Funeral Directors Association, CE10800768

- Hospital Chaplaincy Program, 8/15/17, 2 CEUs
- Butler Funeral Coach and Limousine Presentation, 10/10/17, 2 CEUs

Preferred Funeral Directors International, CE10800804

- 2017 PFDI Annual Fall Convention, 10/20/17 – 10/24/17, 12 CEUs

Selected Independent Funeral Homes, CE10800819

- Digital 360 – How Connected Strategy Will Determine..., 1/22/18, 2 CEUs
- Speaker Unplugged feat. Courtney Gould Miller, 1/22/18, 1 CEU

- The Outward Mindset: How to Change Lives..., 1/23/18, 2 CEUs
- Speaker Unplugged feat. Britta Murphy, 1/23/18, 1 CEU
- Timely Topics and Best Practices Exchange, 1/25/18, 3 CEUs

Trigard University, CE21300003

- Trigard University, Ongoing, 6 CEUs

Vermilion County Funeral Directors Association, CE10800843

- Pet Cremation, 11/7/17, 1 CEU
- Illinois Death Certificate Filing, 11/7/17, 2 CEUs
- Body Donation, 11/7/17, 1 CEU
- VA Benefits and Regulations, 11/7/17, 2 CEUs
- Veterans Flag Etiquette, 11/7/17, 1 CEU
- Mass Fatality – Are Your Prepared?, 11/7/17, 1 CEU

COURSES FOR APPROVAL – Indiana Law Courses

Akron Concrete Products, Inc., CE10800616

- Cremation Act Review, Ongoing, 2 CEUs
- Preneed Act Review, Ongoing, 2 CEUs
- Practice Act Review, Ongoing, 2 CEUs

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 2:03 p.m.